

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BRADLEY J. SCHAUFENBUEL, *et. al.*,

Plaintiffs,

v.

Case No. 09 cv 1221

INVESTFORCLOSURES FINANCIAL, L.L.C.,  
*et. al.*,

Defendants.

**UNOPPOSED MOTION TO WITHDRAWAL**

Attorneys Robert B. Christie and Jeffry M. Henderson, the attorneys of record for defendants Francis X. Sanchez, InvestForClosure Financial LLC, InvestForClosure.com LLC, and InvestForClosure Ventures, LLC (collectively, the “Clients”), respectfully request the entry of an order allowing them to withdraw their appearance as attorneys for the Clients, and in support thereof state as follows:<sup>1</sup>

***Procedural Status***

1. On February 25, 2009, Plaintiffs filed a multi-count Complaint against the Clients and a number of other defendants alleging fraud and violation of the securities laws. Plaintiffs amended their Complaint on March 17, 2009 and again on April 27, 2009, adding additional causes of actions, additional defendants, and additional plaintiffs.

2. On February 27, 2009, Plaintiffs filed a motion for preliminary injunction,

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<sup>1</sup> Although attorneys Christie and Henderson also filed an appearance on behalf of defendant James Bourassa, this motion does not seek a withdrawal as Mr. Bourassa’s attorneys for the sole reason that such action may violate the automatic stay that went in effect upon Mr. Bourassa’s filing of his bankruptcy petition on April 10, 2009.

followed on March 17, 2009 with the filing of a motion for a temporary restraining order. Both motions (and their subsequent amended versions) were submitted to Magistrate Judge Nolan for consideration.

3. Plaintiffs' temporary restraining order was twice amended, the latest version has been fully briefed, and Judge Nolan indicated on July 29, 2009 that she would rule on that motion based on the papers submitted to the Court.

4. The preliminary injunction motion was also amended, and the evidentiary hearing, which was originally set for mid-September 2009, was reschedule by Judge Nolan on July 29, 2009 to begin on November 2, 2009. Thus, the Clients will have approximately three months to prepare for that hearing. No other matters are pending before Judge Nolan as of the date this motion was filed.

5. The only other matter pending before this Court is the Clients' motion to dismiss, which attacks each of the counts in Plaintiffs' Second Amended Complaint, and motions to dismiss filed by defendants Guidi, Martin, and Rodriguex. The latter defendants are represented by attorneys other than attorneys Christie and Henderson. To ensure a timely ruling on the Clients' motion to dismiss, the undersigns will file the Clients' reply brief in support of their motion to dismiss prior to the hearing on this Motion. Pursuant to this Court's prior order, the Court is scheduled to rule on all of the defendants' motions to dismiss on September 10, 2009. No other matters are pending before this Court as of the date this motion was filed.

### ***The Withdrawal***

6. The last five months defending this action has taken a considerable financial toll on the Clients, because their attorneys have expended considerable time and effort to

ensure that those defendants were properly represented. This action could easily last many months, if not years, and the Defendants do not have the resources to continue to be represented by attorneys.

7. As a result of the above, the Clients have failed substantially to fulfill their obligations to Messrs. Christie and Henderson, and the law firm of Henderson & Lyman to pay attorneys' fees and costs as agreed, and they have been given reasonable (and repeated) warning that their counsel would withdraw if such payment obligations remained unfulfilled. Continued representation, without the payment of attorneys' fees and costs, which continue to be incurred, has resulted in an unreasonable financial burden on defense counsel, and as a result of the foregoing, representation has been rendered unreasonably difficult.

8. The Clients have agreed to Messrs. Christie and Henderson's withdrawal from this action, and because no succeeding attorney has been retained by the Clients as of the filing of this Motion, defendant Sanchez has agreed to being served in this action at his home located at the address below:

13906 Il. Rt. 176  
Woodstock, IL 60098

9. Defendant Sanchez may also be contacted by telephone (847-977-5501) and by e-mail ([francisxsanchez@hotmail.com](mailto:francisxsanchez@hotmail.com)).

10. On July 29, 2009, defendant Sanchez, in his individual capacity and in his capacity as managing member of the corporate Clients, also represented to attorney Christie that he would appear before the Court at the presentation of this Motion. Defendant Sanchez has been fully advised that, although he may appear in this matter *pro se*, the defendant companies must retain an attorney should they continue to appear in this matter. Defendant

Sanchez has also been fully briefed on the procedural posture of this case.

11. On July 30, 2009, the attorneys for the Plaintiffs' and the other Defendants that have appeared in this matter provided attorney Christie with written confirmation that, after reviewing this Motion, they had no objection to the Motion or the relief requested.

WHEREFORE, Robert B. Christie and Jeffry M. Henderson, of the law firm of Henderson & Lyman, respectfully request the entry of an order allowing attorneys Christie and Henderson to withdraw their appearance in this matter.

Respectfully submitted,

JEFFRY M. HENDERSON and  
ROBERT B. CHRISTIE

By: /s/ Jeffry M. Henderson  
/s/ Robert B. Christie

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